

SECTION 6. EMISSIONS REPORTING - WHEN REQUIRED

- (A) Every source subject to ~~a permit requirement under Section 5 or Section 17~~ the annual fee requirements of Article 1, Section 6 of these Regulations and Standards shall complete and submit to the Department an annual emissions inventory on forms furnished by or acceptable to the Department by March 31, and shall include emission information for the previous calendar year. ~~This requirement applies whether or not a permit application has been filed or a permit issued.~~ The inventory form shall be certified in accordance with Section 7, paragraph (h H) of these Regulations and Standards. Additionally, any source, because of the nature of its processes or activities, shall be required to submit an emissions report, if directed to do so by the Department in order to determine whether the source is subject to any of the applicable requirements of the Regulations and Standards. A source that is notified to report shall submit the emissions inventory to the Department by the date specified in the notification.
- (B) The annual emissions inventory form shall include the following information:
- (1) The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
  - (2) A description of the existing or proposed facilities, modifications or operations including all processes employed; normal hours of operation; the nature and amounts of fuel and other materials involved; the probable nature, rate of discharge, and time duration of contaminant emissions; any such other information as is relevant to air pollution control and available or capable of being assembled in the normal course of operation; and, if required by the Director, ambient air quality and meteorological data.
  - (3) The actual quantity of emissions, including documentation of the method of measurement, calculation or estimation, of:
    - (a) Any single regulated non-hazardous air pollutants in a quantity greater than one ton.
    - (b) Any single regulated hazardous air pollutant in a quantity greater than the reporting level listed in Appendix III.
    - (c) Any combination of regulated non-hazardous air pollutants or any combination of regulated hazardous air pollutants in a quantity greater than 2.5 tons in each case.
- (C) Actual emissions as defined in Section 1 of these Regulations and Standards shall be calculated using one of the following methods, as appropriate:
- (1) Any test method or procedure identified in Section 34 of these Regulations and Standards;
  - (2) Continuous emission monitor (CEM) data, provided that:
    - (a) The CEM operation is, and has been for the reporting period, in compliance with all applicable requirements under the Act;
    - (b) The total operating time of the applicable emission unit and the CEM are included in the inventory report; and
    - (c) The report includes an explanation of how the emissions were calculated using CEM data.
  - (3) Any applicable method identified in the Compilation of Air Pollutant Emission Factors, Volume I, Stationary Point and Area Sources, Fifth Edition;
  - (4) Any applicable method identified in Factor Information Retrieval System Version 5.0 Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA-454/R-95-012, August 1995; or
  - (5) A material mass balance equation.
- (D) Except as otherwise provided in (C) above, any other test methods and procedures for use in determining Actual emissions must be approved by the Director.
- (E) The Director may require the submittal of supplemental information to verify or otherwise assure the quality of emissions reported.

SECTION 7. OPERATING PERMITS -- APPLICATION

- (A) Duty to Apply. The owner or operator of any source required to obtain a Class I or Class II operating permit shall submit a timely and complete application in accordance with this Section.
- (B) Timely Application
- (1) Sources that are required to obtain a Class I operating permit shall file applications in accordance with the following schedule:
    - (a) For the purpose of early submission of applications and processing of permits, the Department shall create and maintain an early permit application registry. The registry will be open for the first three months after the effective date of these Regulations and Standard. Sources may request to be placed on the registry on a first come, first served basis as of the date the request is received by the Department. If necessary, the Department will complete the registry with additional sources. These additional sources will be notified of their placement on the registry. Sources on this registry shall file a complete application with the Department, but no later than September 30, 1995.
    - (b) All other existing sources not on the registry shall file an application by November 17, 1996.
  - (2) A source that becomes subject to the Class I operating permit program at any time following the effective date of these regulations shall file an application within 12 months of the date on which the source first becomes operational or otherwise subject to the Title V program.
  - (3) A source that is required to meet the requirements under Sections 27 or 28 of these Regulations and Standards, or to have a permit under a pre-construction review program under Section 17 or Section 19 of these Regulations and Standards, shall file a complete application for a Class I or Class II operating permit, if so required, within 12 months after the source begins operation. Where an existing operating permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operating.
  - (4) Sources that are required to obtain a Class II operating permit shall file applications within twelve months of the effective date of adoption of these Regulations and Standards, or within twelve months of the date on which the source first become operational or otherwise subject to the requirement to obtain a permit.
  - (5) A source issued an operating permit before November 1, 1993, may continue to operate as provided in the existing permit provided that the source has submitted a timely and complete application, until either of the following occurs:
    - (a) The operating permit is terminated.
    - (b) The Director issues or denies a Class I or Class II permit to the source.
  - (6) For purposes of permit renewal, a timely application is one that is submitted at least 6 months prior to the date of permit expiration or such longer time as may be approved by the Director after notice to the permittee that ensures that the permit will not expire before the permit is renewed. In no event shall this time be greater than 18 months.
  - (7) Applications for initial phase II acid permits shall be submitted:
    - (a) by January 1, 1996, for sulfur dioxide, and
    - (b) by January 1, 1998, for oxides of nitrogen.
- (C) Complete Application for Class I and Class II permits.
- (1) An application will be deemed complete if it provides all the information required and is sufficient to evaluate the subject source and its application and to determine all applicable requirements. For purposes of this section only, applicable requirements include applicable requirements under the Act. The application shall be certified by a responsible official for the source.
  - (2) The Department shall determine that an application is complete within 60 days after receipt of the application. If the Department determines that the application is not complete and additional information is necessary to evaluate or take final action on the application, the Department may request such information in writing and set a reasonable deadline for a response. The Department may determine that an application is complete, but later determine that additional information is needed to evaluate or take final action on the application.

SECTION 11. EMERGENCY OPERATING PERMITS -- DEFENSE

- (A) For the purpose of a Class I or Class II operating permit, an "emergency" means any situation arising from sudden, unavoidable, and reasonably unforeseeable events beyond the control of the source, including acts of God, which requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- (B) An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph (C) below are met.
- (C) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - (2) The permittee facility was at the time being properly operated;
  - (3) During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
  - (4) The permittee submitted notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- (D) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (E) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

Ref: Title 129, Chapter 11, Nebraska Department of Environmental Quality

SECTION 17. CONSTRUCTION PERMITS -- WHEN REQUIRED

(A) No person shall cause the construction, reconstruction, or modification at any of the following without first having obtained a construction permit from the Department in the manner prescribed by these Regulations and Standards:

- (1) Any air contaminant source or emission unit, such that there is a net increase in potential emissions equal to or exceeding the following levels (except as provided in (A)(3):
  - (a) For any source which is major for purposes of prevention of significant deterioration, any increase in particulate matter emissions which would subject such source to review or, except for enforceable limits established through the construction permit issued pursuant to this Section would subject such source to review under the provisions of 40 CFR Part 52, as adopted in Section 19.
  - (b) Fifteen (15) tons/year of PM<sub>10</sub> emissions.
  - (c) Forty (40) tons/year of SO<sub>2</sub> or SO<sub>3</sub>, or any combination of the two.
  - (d) Forty (40) tons/year of oxides of nitrogen (calculated as NO<sub>2</sub>)
  - (e) Forty (40) tons/year of volatile organic compounds (VOC).
  - (f) Fifty (50) tons/year of carbon monoxide.
  - (g) Six tenths (0.6) tons/year of lead.
  - (h) Two and one-half (2.5) tons/year of any hazardous air pollutant or an aggregate of ten (10) tons/year of any hazardous air pollutants, including all associated fugitive emissions.

When determining the net change in potential emissions under (A)(1) above, fugitive emissions shall be addressed in accordance with the requirements of Article 2 Section 2(A)(1) and Section 2(B) without regard to classification of the source as major or minor.

- (2) Any incinerator used for refuse disposal or for processing of salvageable materials except refuse incinerators located on residential premises containing five or less dwelling units used only for the disposal of residential waste generated on the residential premises where the incinerator is located.
- (3) When a source replaces an existing emission unit with a new unit, that performs the same function as that of the unit being replaced, netting shall not be used to determine the need for a permit under this section, except as follows: (a) The procedure for determining a net increase in potential emissions will be allowed for sources where the equipment replacement would be subject to the requirements of Article 2, Section 19 of these Regulations and Standards; and (b) In cases where the source can demonstrate to the Department that netting will result in a net reduction in emissions of individual criteria and toxic air pollutants and total toxic air pollutants, where applicable. In this case, the source may also use actual emissions decreases from emission units that are dissimilar in function to the unit(s) being replaced in order to make this demonstration, provided the actual emissions decreases are concurrent with the planned replacement. However, any emissions increases that occur at this time with respect to these emission units must also be included in this demonstration. The result of the netting calculation must be a difference of less than zero tons per year of emission. This demonstration is not applicable to emission units that are subject to the requirements of Article 2, Section 27(C).

If the exceptions of (a) or (b) are not applicable, the potential emissions of regulated air pollutants associated with the new (replacement) unit alone shall be used to determine the need for a permit, i.e., no reduction in emissions from the new unit shall be allowed because of the elimination of actual emissions from the existing emission unit which is being replaced and those associated with other emission units at the facility. A new unit shall not mean an existing emission unit which is being relocated from another site.

(B) The standards which would have been imposed under a construction permit are applicable to those sources who have failed to obtain a permit to the same extent as if a permit had been obtained.

- (1) The permittee must comply with all conditions of the construction permit. Any permit noncompliance shall constitute a violation of these Regulations and Standards and the Act and is grounds for enforcement action or permit revocation.

- (N) Modification of the Construction Permit. The purpose of this section is to provide a means to address unforeseen situations which may develop in the process of constructing or modifying an emission source subject to this Section.
- (1) Subject to the approval of the Director, the terms of a construction permit may be modified without public review through the substitution of alternative provisions, provided the following conditions are met:
    - (a) No emission limit in the original construction permit is exceeded;
    - (b) No applicable requirement included in an operating permit to which the source is subject is violated;
    - (c) No emissions limit, equipment or operational standard applicable to the source will be exceeded;
    - (d) No emissions limit, equipment or operational standard assumed to avoid a classification that would render the source subject to an otherwise applicable requirement will be exceeded; and
    - (e) The nature of the constructed facility will be consistent with that described in the original public notice materials.
  - (2) Modifications meeting the conditions of (1) above shall be processed as follows:
    - (a) The owner or operator shall submit an application for modification of a construction permit as provided in (C) above and provide such additional information as may be required to determine if the conditions of (1) above have been met;
    - (b) The Department shall review the application and determine whether or not a modification of the construction permit is required. The applicant shall not proceed with the project until a determination is made by the Director.
  - (3) Proposed modifications to a construction permit which do not meet the conditions of (1) above must be processed through the full construction permit process as provided in (C) through (M) above.
- (O) Construction Permit Exemption for Commercial, Industrial, and Institutional Emergency Generators. This subsection shall apply to the following emergency generators where the total emergency generator capacity at a commercial, industrial, or institutional facility is or will be equal to or greater than 200 KW for fuel oil and/or natural gas-fired units, or 19 KW where one or more of these generators is fueled with gasoline: (a) Existing stationary units that were installed on or after 11-15-93; (b) New stationary units that are installed after the effective date of this regulation; (c) Existing portable units that are currently being operated in Lancaster County and existing portable units that are sited in Lancaster County after the effective date of this regulation; and (d) New portable units that will be operated in Lancaster County after the effective date of this regulation.
- (1) To qualify for the exemption, owners/operators of these units shall comply with the following requirements:
    - (a) For existing units, provide records, to the extent available, that demonstrate the units for which exemptions are sought have never been operated more than 500 hours during any calendar year. For new units, stipulate that annual operating hours will not exceed 500 and that records of annual operating hours will be maintained.
    - (b) Record operating hours for both test and emergency conditions.
    - (c) The sulfur content of any fuel oil combusted in these units shall not exceed 0.5% by weight.
  - (2) To obtain the exemption, owners/operators of existing stationary emergency generators, i.e., non excepted units installed between 11-15-93 and 7-28-03, that qualify shall submit their requests to the Department and provide the following information for each unit:
    - (a) The make and model number.
    - (b) The horsepower rating.
    - (c) The type of fuel (natural gas, fuel oil, gasoline) combusted.
    - (d) If fuel oil is combusted, indicate the grade, such as No. 2, and the sulfur content (% by weight). Provide a statement of certification from the fuel supplier confirming the grade and sulfur content of the fuel oil delivered and a letter from the owner/operator certifying that this is the only type of fuel oil being combusted.
    - (e) The greatest number of hours the unit has been operated in any calendar year since the date of installation and the quantity of fuel that was combusted during that period, to the extent this information is available.

- The deadline for submittal of the request for exemption and payment of the exemption request fee established in Section 17 (O)(6) shall be no later than ~~180 days~~ 24 months after the effective date of this regulation (7-28-03). After this period, an owner/operator shall be required to submit a construction permit application and obtain a permit. Within 18 months of issuance of a construction permit, the Department may require an owner/operator to submit an application for an operating permit in accordance with the requirements of Article 2, Section 5 of these Regulations and Standards.
- (3) To obtain the exemption, owners/operators of qualifying new and existing (non excepted units manufactured prior to 7-28-03 that are currently operating inside of or outside of Lancaster County) portable emergency generators, or new stationary emergency generators, shall submit their requests to the Department and provide the following information:
- (a) All of the information required in Section 17(O)(2)(a) through (e)
  - (b) An estimate of the anticipated annual hours of unit operation at the commercial, industrial, or institutional facility. The estimate shall include both test and emergency operating conditions.
  - (c) The estimated quantity of fuel that will be combusted annually.
  - (d) A site plan showing the proposed location of the unit and the location of any adjacent habitable structures, such as businesses, schools, and residences. The height of the unit's exhaust stack and the elevations of surrounding habitable structures shall also be indicated. Approval of the unit's location by the Department is required before an exemption will be granted.

- After the effective date of this regulation (7-28-03), the deadline for submittal of the request for exemption and payment of the exemption request fee for new and existing portable units (not currently operating in Lancaster County) shall be no later than 20 days prior to their installation (new units) or relocation to and operation in Lancaster County, ~~60 days~~ 24 months after the effective date of this regulation (7-28-03) for existing portable units currently operating in Lancaster County, and 60 days prior to the installation of any new stationary units. An exemption for a portable unit shall not be required in cases where the unit is relocated to Lancaster County for the express purpose of addressing an immediate emergency condition, such as the result of a natural or man-made disaster, and the unit will not remain operational for a period greater than seven days (168 hours). If a portable unit will be operated more than seven days, the owner/operator shall be required to apply for the exemption within 24 hours after conclusion of the seventh day of operation in order to avoid the construction permit requirement. After these periods, the owner/operator will be required to submit a construction permit application and to obtain a permit. Within 18 months of issuance of the construction permit, the Department may require the owner/operator to submit an operating permit application and obtain an operating permit in accordance with the requirements of Article 2, Sections 5 or 10 of these Regulations and Standards.
- (4) In the event the owner/operator of an emergency generator who holds an exemption no longer qualifies for the exemption according to the requirements of Section 17 (O)(1)(a) through (c), or the owner/operator chooses to operate the generator for other than emergency purposes, the owner/operator shall submit a construction permit application to the Department within 60 days of the finding or declaration and shall obtain a permit. Within 18 months of issuance of a construction permit, the Department may require the owner/operator to submit an application for an operating permit in accordance with the requirements of Article 2, Sections 5 or 10 of these Regulations and Standards.
- (5) Owners/operators of emergency generators who operate these units in noncompliance with the requirements of Section 17(O)(2), (3), or (4) shall be deemed in violation of these requirements and shall be subject to the provisions of Article 1, Sections 3 and 4 of these Regulations and Standards. The owner/operator of an emergency generator whose hours of operation exceed 500 hours during the year shall report this event to the Department no later than 30 days after the month in which the 500 hours per year limit was exceeded.

- (6) A processing fee for review of the construction permit exemption request shall be assessed according to the following schedule:
- (a) For those emergency generators addressed in Section 17(O)(2), exemption requests received by the Department within 90 days of the effective date of this regulation will be assessed a fee of \$25.00 for up to three units owned by the source and operated in Lancaster County. For more than three units, a fee of \$75.00 will be assessed. Exemption requests received between ~~91 days and 180 days~~ 3 months and 24 months after the effective date of this regulation (7-28-03) will be assessed a fee of \$100.00 for up to three units and a fee of \$200.00 for more than three units.
  - (b) For those emergency generators addressed in Section 17(O)(3), exemption requests will be assessed a fee of \$35.00 for up to three portable units owned and/or operated by a source in Lancaster County. For more than three units, a fee of \$85.00 will be assessed. ~~The exemption request fee for a new stationary emergency generator that will be operated in Lancaster County is \$35.00.~~
  - (b1) The exemption request fee for a new stationary emergency generator that will be operated in Lancaster County is \$35.00.
- (7) The Department will provide a letter of exemption to the owner/operator of an emergency generator who has requested the exemption, has provided the information required in Section 17(O)(2) and/or Section 17(O)(3), the Department has determined the unit qualifies for the exemption according to Section 17(O)(1)(a) through (c), and has submitted the applicable exemption request fee. The exemption shall remain in effect for each unit that continues to qualify. In the event the Department determines that an exemption can not be granted, a letter explaining the reason(s) for refusal will be sent to the owner/operator. The owner/operator who is denied an exemption may provide additional information to support their request. If the Department, after review of this additional information, continues to deny the exemption, the owner/operator may appeal the decision to the Director according to the procedures established in Article 1, Section 4 of these Regulations and Standards.
- (P) Construction Permit Requirements for Commercial, Industrial, and Institutional Nonemergency Generators. This subsection shall apply to any new (installed after 7-28-03) or existing stationary electric power producing generators operated at commercial, industrial or institutional facilities where the owner/operator participates in a program established by the local utility in which the utility may request that the owner/operator use these generators to produce a limited number of hours of electric power during periods when power from the local utility is available. An owner/operator who participates in this program must obtain a construction permit from the Department that applies to all generators at the facility that may be used for this nonemergency purpose. The owner/operator may utilize these generators for emergency purposes but they will be designated as nonemergency generators for purposes of this subsection.
- (1) To qualify for and to obtain this permit, an owner/operator shall comply with the following requirements and provide the following information:
- (a) Each generator that may be used for nonemergency purposes must be specifically identified. A distinction must be maintained between those generators that may be used to generate power for nonemergency purposes and those units that will be used solely as emergency generators.
  - (b) The number of hours the unit may be operated for nonemergency purposes shall be limited to no more than 200 hours per calendar year, and for emergency purposes, including testing, the unit's operation shall be limited to no more than 300 hours per calendar year. Regardless of the 200 hour limit allowed each unit for nonemergency operation, the emission limit established in subparagraph (g) of this subsection shall not be exceeded.
  - (c) A record of unit operating hours for emergency and testing purposes and for nonemergency purposes shall be maintained on a monthly basis. These records shall be made available to authorized representatives of the Department upon request. The owner/operator shall report to the Department any exceedences of the 200 hour per year and/or 300 hour per year limit that are applicable to a generator operating under the requirements of this subsection. The report of exceedences shall be submitted no later than 30 days after the month in which the 200 hour per year and/or 300 hour per year limit is exceeded.
  - (d) A record of the quantity of fuel (natural gas, No. 2 fuel oil) combusted annually for emergency and testing purposes and for nonemergency purposes shall be maintained.

- (3) Construction permits issued under this subsection ~~to owners/operators of facilities that are not required to have operating permits~~ shall not be subject to ~~the affected states review or the public participation provisions of Article 2, Sections 13 or 14 of these Regulations and Standards respectively.~~ Issuance of construction permits to sources required to have Class I or Class II operating permits are considered significant operating permit modifications according to Section 15 (E)(1). ~~A construction permit issued to a Class I source is subject to both Sections 13 and 14 because it is a significant modification pursuant to Section 15(E)(3) of these Regulations and Standards. A construction permit issued to a Class II source is subject only to the public participation requirements of Section 14.~~
- (Q) Construction Permit Requirements for Commercial, Industrial, and Institutional Electrical Generators Used for Purposes Other Than Those Pertaining to Subsections (O) and (P) of this Section. These generators, powered by fuel oil, natural gas, or gasoline, shall be required to obtain a construction permit if the provisions of Subsection (A) of this Section apply. Additionally, these units may be subject to any or all of the operating permit requirements of Article 2, Sections 5, 9, and 10 of these Regulations and Standards.

Ref: Title 129, Chapter 17, Nebraska Department of Environmental Quality



SECTION 18. NEW SOURCE PERFORMANCE STANDARDS AND EMISSION LIMITS FOR  
EXISTING SOURCES

(A) Standards of Performance for New Stationary Sources.

Notwithstanding any other provisions of these regulations, the following "Standards of Performance for New Stationary Sources" published at 40 CFR ~~p~~Part 60, effective July 1, ~~2002~~ 2003, unless otherwise indicated are hereby adopted by reference and incorporated herein:

- (1) General Provisions - Subpart A
- (2) Ammonium sulfate manufacture - Subpart PP
- (3) Asphalt processing and asphalt roofing manufacture - Subpart UU
- (4) Automobile and light duty truck surface coating operations - Subpart MM
- (5) Beverage can surface coating industry - Subpart WW
- (6) Bulk gasoline terminals - Subpart XX
- (7) Calciners and Dryers in Mineral Industries - Subpart UUU (57 Federal Register 44496, September 28, 1992)
- (8) Coal preparation plants - Subpart Y
- (9) Commercial and industrial solid waste incineration units - Subpart CCCC
- (10) Electric arc furnaces and argon-oxygen decarbonization vessels constructed after August 17, 1983 - Subpart AAa
- (11) Electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983 - Subpart AA
- (12) Electric Utility Steam Generator Units for which construction was commenced after September 18, 1978 - Subpart Da
- (13) Equipment leaks of VOC from onshore natural gas processing plants - Subpart KKK
- (14) Equipment leaks of VOC in petroleum refineries - Subpart GGG
- (15) Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry - Subpart VV
- (16) Ferroalloy production facilities - Subpart Z
- (17) Flexible vinyl and urethane coating and printing - Subpart FFF
- (18) Fossil-Fuel-Fired Steam Generators for which construction is commenced after August 17, 1971 - Subpart D
- (19) Glass manufacturing plants - Subpart CC
- (20) Grain elevators - Subpart DD
- (21) Graphic arts industry: publication rotogravure printing - Subpart QQ
- (22) Hospital/medical/infectious waste incinerators - Subpart Ec
- (23) Hot Mix Asphalt facilities (Asphalt concrete plants) - Subpart I
- (24) Industries-Commercial Institutional Steam Generating Units - Subpart Db
- (25) Industrial surface coating: large appliances - Subpart SS
- (26) Industrial surface coating: plastic parts for business machines - Subpart TTT
- (27) Lead-acid battery manufacturing plants - Subpart KK
- (28) Lime manufacturing plants - Subpart HH
- (29) Magnetic tape coating facilities - Subpart SSS
- (30) Metal coil surface coating - Subpart TT
- (31) Metallic mineral processing plants - Subpart LL
- (32) Municipal incinerators - Subpart E
- (33) Municipal Solid Waste Landfill - Subparts ~~Ee & WWW~~
- (34) Municipal Waste Combustor - Subpart Ea & Eb
- (35) Municipal waste combustor - Subpart Eb
- (36) Municipal waste combustion unit (small) - Subpart AAAA
- (37) New Residential Wood Heater - Subpart AAA
- (38) Nitric Acid Plants - Subpart G
- (39) Nonmetallic mineral processing plants - Subpart OOO
- (40) Onshore natural gas processing; SO<sub>2</sub> emissions - Subpart LLL
- (41) Petroleum dry cleaners - Subpart JJJ
- (42) Petroleum refineries - Subpart J

- (f) Each designated facility subject to the provisions of Table 2 as adopted under (D)2.b. shall comply with the following:
  - (1) Requirements for compliance and performance testing as provided in 40 CFR Part ~~63~~ 60, Subpart 60.37e(b)(1) through (5)
  - (2) Requirements for monitoring as provided in 40 CFR Part ~~63~~ 60, Subpart 60.37e(d)(1) through (3); and
  - (3) Requirements for reporting and record keeping as provided in 40 CFR Part 60, Subpart 60.38e(b)(1) and (2).

Ref: Title 129, Chapter 18, Nebraska Department of Environmental Quality

Table 20-1

Process	Process	Allowable		Process	Allowable
Weight	Weight	Rate of	Process	Weight	Rate of
Rate	Rate	Emission	Weight Rate	Rate	Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.000	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.0	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70	47.8
6,000	3.0	8.56	160,000	80.	49.0
7,000	3.5	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000	77.6
10,000	5.00	12.0	6,000,000	3,000	92.7
12,000	6.00	13.6			

Interpolation of the data in this table for process weight rates up to 60,000 Lb/Hr shall be accomplished by use of the equation  $E = 4.10p^{.67}$  and interpolation and extrapolation of the data for process weight rates in excess of 60,000 Lb/Hr shall be accomplished by use of the equation  $E = 55.0p^{.11-40}$ , where  $E$  = rate of emission in Lb/Hr and  $P$  = process weight rate in Tons/Hr. If two or more units discharge into a single stack, the allowable emission rate will be determined by the sum of all process weights discharge into the single stack.

(F) Exceptions:

- (1) Emission sources subject to monitoring requirements of Section 34, paragraph (E) of these Regulations and Standards are allowed to have one six minute period per hour of not more than 27 percent opacity.

- (G) All sources shall comply with paragraph (E) of this Section unless a more stringent opacity standard applies as specified elsewhere in these Regulations and Standards.

Ref: Title 129, Chapter 20, Nebraska Department of Environmental Quality

SECTION 22. INCINERATOR EMISSIONS

The following categories of waste burning combustion units shall be regulated by this Section:

- (A) Small municipal waste combustion units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001 (40 CFR Part 60 Subpart AAAA). This standard applies to municipal waste combustion units that meet two criteria:
- (1) The unit is new as defined at Section 60.1015, Subpart AAAA.
  - (2) The unit has the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refuse-derived fuel. There are units that are exempt from the requirements of this subpart. Section 60.1020(a) through (k) should be consulted to determine whether a specific type of unit is exempt.
- (B) Small municipal waste combustion units constructed on or before August 30, 1999 (40 CFR Part 60 Subpart BBBB, Emission Guidelines and Compliance Times)  
As of the effective date of these revised Regulations and Standards there are currently no existing municipal waste combustions units located within Lincoln-Lancaster County that have the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refused derived fuel and were constructed on or before August 30, 1999.
- (C) Air curtain incinerators (as defined in Section 60.1465 of 40 CFR Part 60 Subpart AAAA) that burn 100 percent yard waste (as defined in Section 60.1440 of Subpart AAAA)  
These units shall comply with the requirements of 40 CFR Part 60 Subpart AAAA, Section 60.1445, 60.1450, and 60.1455. These requirements apply to air curtain incinerators that combust at least 35 tons per day of municipal solid waste and no more than 250 tons per day of municipal solid waste. As of the effective date of these Regulations and Standards there are no air curtain incinerators located within Lincoln-Lancaster County.
- Any air curtain incinerators that are installed in Lincoln-Lancaster County and that have a burn limit of less than 35 tons per day of 100 percent yard waste shall meet these limits: (1) The opacity limit is 15 percent (6 minute average) except at startup; and (2) The opacity limit is 40 percent (6 minute average) during the startup period that is within the first 30 minutes of operation. Monitoring, record keeping and reporting requirements shall be those established by the Department.
- (D) Large municipal waste combustors that are constructed on or before September 20, 1994 (40 CFR Part 60 Subpart Cb, Emission Guidelines and Compliance Times)  
As of the effective date of these revised Regulations and Standards there are currently no existing municipal waste combustion units located in Lincoln-Lancaster County with a combustion capacity greater than 250 tons per day of municipal solid waste and were constructed on or before September 20, 1994.
- (E) Hospital/medical/infectious waste incinerators constructed on or before June 20, 1996 (40 CFR Part 60 Subpart Ce, Emission Guidelines and Compliance Times)  
A hospital/medical/infectious waste incinerator or HMIWI unit means any device that combusts any amount of Type 5 waste. A combustor is not subject to this subpart if it qualifies under one of the exceptions listed in paragraphs (b) through (h) of Section 60.32e, Subpart Ce. As of the effective date of these Regulations and Standards there are currently ~~no~~ two hospital/medical/infectious waste incinerators located in Lincoln-Lancaster County that were constructed on or before June 20, 1996 that are subject to this subpart.

- (F) Commercial and industrial solid waste incineration units for which construction commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001 (40 CFR Part 60 Subpart CCCC)  
A commercial and industrial solid waste incinerator is a combustion device as defined in Section 60.2265 of Subpart CCCC. A combustor is not subject to this subpart if it qualifies under one of the exceptions listed in paragraphs (a) through (o) of Section 60.2020, Subpart CCCC. As of the effective date of these Regulations and Standards there are currently no commercial and industrial solid waste incineration units located in Lincoln-Lancaster County that were constructed after November 30, 1999 or that have been modified or reconstructed on or after June 1, 2001 that are subject to this subpart.
- (G) Commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999 (40 CFR Part 60 Subpart DDDD, Emission Guidelines and Compliance Times)  
A commercial and industrial solid waste incinerator as defined in Section 60.2875 of Subpart DDDD and that is not exempt according to Section 60.2555 of Subpart DDDD is subject to the emission guidelines and compliance times of this ~~subject~~ subpart if it was constructed on or before November 30, 1999. As of the effective date of these Regulations and Standards there are currently no commercial and industrial solid waste incineration units located in Lincoln-Lancaster County that were constructed on or before November 30, 1999 that are subject to this subpart.
- (H) Incinerators, as defined at 40 CFR Part 60, Subpart E, Section 60.51, charging more than 50 tons per day that were constructed or modified after August 17, 1971 (40 CFR Part 60 Subpart E)  
As of the effective date of these Regulations and Standards there are currently no incinerators located in Lincoln-Lancaster County that were constructed or modified after August 17, 1971 that are capable of charging more than 50 tons per day of solid waste.
- (I) Municipal waste combustors constructed after December 20, 1989 and on or before September 20, 1994 (40 CFR Part 60 Subpart Ea)  
This subpart applies to municipal waste combustion units with capacities greater than 250 tons per day of municipal solid waste that were constructed after December 20, 1989 and on or before September 20, 1994 or were modified or reconstructed after December 20, 1989 and on or before June 19, 1996 unless the combustor is excepted under one of the provisions, paragraphs (c) through (k), of Section 60.50a, Subpart Ea. As of the effective date of these Regulations and Standards there are currently no municipal solid waste combustors located in Lincoln-Lancaster County that are subject to this subpart.
- (J) Large municipal waste combustors constructed after September 20, 1994 or modified or reconstructed after June 19, 1996 (40 CFR Part 60, Subpart Eb)  
This subpart applies to large municipal waste combustion units with capacities greater than 250 tons per day of municipal solid waste which are constructed, modified or reconstructed after the dates indicated herein unless the combustor is excepted under one of the provisions, paragraphs (b), (d), (e), (f), (g), (h), (i), (j), (m), and (p), of Section 60.50b, Subpart Eb. As of the effective date of these Regulations and Standards there are currently no large municipal solid waste combustors located in Lincoln-Lancaster County that are subject to this subpart.
- (K) Hospital/medical/infectious waste incinerators constructed after June 20, 1996 or modified after March 16, 1998 (40 CFR Part 60 Subpart Ec)  
A hospital/medical/infectious waste incinerator or HMIWI unit means any device that combusts any amount of Type 5 waste. A combustor is not subject to this subpart if it qualifies for an exemption under one of the provisions listed in paragraphs (b) through (h) of Section 60.50c, Subpart Ec. As of the effective date of these Regulations and Standards there are currently no hospital/medical/infectious waste incinerators located in Lincoln-Lancaster County that are subject to this subpart.

SECTION 28. HAZARDOUS AIR POLLUTANTS -- MACT EMISSION STANDARDS.

Notwithstanding any other provisions of these Regulations and Standards, the following "National Emission Standards for Hazardous Air Pollutants" published at 40 CFR Part 63 effective July 1, ~~2002~~ 2003 are hereby adopted and incorporated herein:

- (1) Perchloroethylene Dry Cleaning Facilities - Subpart M
- (2) General Provisions - Subpart A
- (3) Hard and Decorative Chromium Electroplating and Anodizing Tanks - Subpart N
- (4) Ethylene Oxide Commercial Sterilizers and Fumigation Operations - Subpart O
- (5) Chromium Emissions from Industrial Process Cooling Towers - Subpart Q
- (6) Gasoline Distribution Facilities - Subpart R
- (7) Halogenated Solvent Cleaning Machines - Subpart T
- (8) Magnetic Tape Manufacturing Operations - Subpart EE
- (9) Hazardous Organic NESHAPs - Subparts F, G, H, and I
- (10) Aerospace Industry - Subpart GG
- (11) Off-Site Waste Operations - Subpart DD
- (12) Petroleum Refineries - Subpart CC
- (13) Printing/Publishers Ind. - Subpart KK
- (14) Polymer & Resins - Subpart U
- (15) Polymer & Resins - Subpart W
- (16) Polymer & Resins - Subpart JJJ
- (17) Secondary Lead Smelters - Subpart X
- (18) Wood Furniture Manuf. - Subpart JJ
- (19) Tanks-Level 1, Subpart ~~00~~ QQ
- (20) Containers, Subpart PP
- (21) Surface Impoundments, Subpart QQ
- (22) Individual Drain Systems, Subpart RR
- (23) Oil-Water Separators and Organic-Water Separators, Subpart VV
- (24) Polyethylene Terephthalate and Styrene Polymer Production, Subpart JJJ
- (25) Pulp and Paper Manufacturing - Subpart S
- (26) Phosphoric Acid Manufacturing Plants - Subpart AA
- (27) Phosphate Fertilizers Production Plants - Subpart BB
- (28) Petroleum Refineries - Subpart CC
- (29) Oil and Gas Production Facilities - Subpart HH
- (30) Primary Aluminum Reduction Plants - Subpart LL
- (31) Closed Vent Systems/Control Devices - Subpart SS
- (32) Equipment Leaks Control Level 1 - Subpart TT
- (33) Equipment Leaks Control Level 2 - Subpart UU
- (34) Storage Tanks Control Level 2 - Subpart WW
- (35) Generic MACT Standards - Subpart YY
- (36) Steel Pickling Plants (HCl Process and Hydrochloric Acid Regeneration Processes) - Subpart CCC
- (37) Mineral Wool Production - Subpart DDD
- (~~47~~ 38) Hazardous Waste Combustors - Subpart EEE
- (~~38~~ 39) Pharmaceutical Production - Subpart GGG
- (~~39~~ 40) Natural Gas Transmission and Storage Facilities - Subpart HHH
- (~~40~~ 41) Flexible Polyurethane Foam Production - Subpart III
- (~~41~~ 42) Portland Cement Manufacturing - Subpart LLL
- (~~42~~ 43) Pesticide Active Ingredient Production - Subpart MMM
- (~~43~~ 44) Wool Fiberglass Manufacturing - Subpart NNN
- (~~48~~ 45) Manufacture of Amino/Phenolic Resins - Subpart OOO
- (~~44~~ 46) Polyether Polyols Production - Subpart PPP
- (~~49~~ 47) Secondary Aluminum Production - Subpart RRR
- (~~45~~ 48) Primary Lead Smelting - Subpart TTT
- (~~50~~ 49) Publicly Owned Treatment Works - Subpart VVV

- (46 50) (Ferromanganese and Silicomanganese Production - Subpart XXX)
- (51) Municipal Solid Waste Landfills - Subpart AAAA
- (53 52) Manufacturing of Nutritional Yeast - Subpart CCCC
- (53) Miscellaneous Organic Chemical Manufacturing - Subpart FFFF
- (54 54) Solvent Extraction for Vegetable Oil Production - Subpart GGGG
- (55) Paper and Other Web Coating - Subpart JJJJ
- (56) Surface Coating and Miscellaneous Metal Parts and Products - Subpart MMMM
- (57) Printing, Coating, and Dyeing of Fabrics and Other Textiles - Subpart OOOO
- (58) Surface Coating of Plastic Part and Products - Subpart PPPP
- (52 59) Boat Manufacturing - Subpart VVVV
- (60) Reinforced Plastic Composites Production - Subpart WWWW
- (61) Stationary Combustion Turbines - Subpart YYYY
- (62) Stationary Reciprocating Internal Combustion Engines - Subpart ZZZZ
- (63) Site Remediation - Subpart GGGGG
- (64) Miscellaneous Coating Manufacturing - Subpart HHHHH
- (65) Brick and Structural Clay Products Manufacturing - Subpart JJJJJ
- (66) Clay Ceramics Manufacturing - Subpart KKKKK
- (67) Asphalt Processing and Asphalt Roofing Manufacturing - Subpart LLLLL
- (68) Flexible Polyurethane Foam Fabrication Operations - Subpart MMMMM
- (69) Engine Test Cells/Stands - Subpart PPPPP